



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,559	03/30/2004	Alexander F. Rivera	01-40085-US-C2 (961591.20)	4118
7066	7590	08/30/2005	EXAMINER	
REED SMITH LLP 2500 ONE LIBERTY PLACE 1650 MARKET STREET PHILADELPHIA, PA 19103			SMITH, TIMOTHY SCOTT	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,559	Applicant(s) RIVERA, ALEXANDER F.	
	Examiner Timothy S. Smith	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-11-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action represents a non-final first Office Action for the application titled "SINGLE-HANDED CORD/CABHLE MANAGEMENT DEVICE," filed March 30, 2004.

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 120.

Information Disclosure Statement

The information disclosure statement filed March 30, 2004 has been considered.

Specification

1. The disclosure is objected to because of the following informalities: On page 6, line 6 states "according present invention." Line 6 should be changed to –according to the present invention–. On page 7, line 17 states "in perspective qa joiner." Line 17 should be changed to –in perspective a joiner–. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

Art Unit: 3632

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2, 3, and 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent No. 6,712,320 in view of U.S. Patent No. 6,481,673 to Roe et al. Claim 1 of U.S. Patent No. 6,712,320 discloses a cable bundling device comprising: a flexible arcuate strap portion, said strap portion having a first end and a second end, and an inner surface and an outer surface, said outer surface forming a perimeter of said flexible arcuate strap portion, wherein said first and second ends form a discontinuity in said perimeter of said arcuate strap portion, and wherein said inner surface forms a cavity; and first and second finger grips, said first finger grip being located adjacent to said first end, and said second finger grip being located adjacent to said second end; wherein said first and second finger grips allow interposition of a finger between said flexible arcuate strap portion and said finger grip, wherein said first and second ends substantially abut each other when said flexible arcuate strap portion is in a relaxed state, but does not disclose a retainer that is joined to said arcuate strap portion. Roe et al. discloses a retainer (16) that is mechanically joined and removeably connected to a flexible arcuate strap portion (columns 1 and 2, lines 66-67 and 1, respectively. In view of Roe et al. it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 3632

made to have provided U.S. Patent No. 6,712,320 with a retainer wherein doing so would allow the strap to be secured to a support (column 1, lines 37-40).

4. Claims 1 and 4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent No. 6,712,320 in view of U.S. Patent No. 5,678,609 to Washburn. Claim 1 of U.S. Patent No. 6,712,320 discloses the cable bundling device as applied above, but does not disclose a retainer that is bonded to said arcuate strap portion. Washburn discloses a cable bundling device comprising a retainer (25) that is bonded (column 5, lines 57-62) to a cable bundling duct (26) by way of a web (34). The retainer (25) of Washburn provides a means to support and/or retain the cable bundling duct (26). See abstract, lines 1-4, and column 5, lines 9-12. In view of Washburn it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided U.S. Patent No. 6,712,320 with a retainer wherein doing so would allow the cable bundling device to be support and/or retained (abstract, lines 1-4, and column 5, lines 9-12).

Allowable Subject Matter

5. Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art failed to disclose a retainer that is removeable connected to an arcuate strap portion by a connector portion, said connector portion comprising a channel and a tongue, said tongue being retained in said channel when said tongue is inserted into said channel.

Regarding claim 10, the prior art failed to disclose a cable bundling device having finger grips that are removeably connected to an arcuate strap portion.

Regarding claim 11, the prior art failed to disclose a joiner, said joiner being engageable to said arcuate strap portions to join said plurality of flexible arcuate strap portions to each other.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. Nos. 6,105,218 to Reekie, 6,101,684 to Ginocchio, 5,937,488 to Geiger, 5,806,819 to Martone, 5,732,445 to Stodolka et al., 5,729,872 to Ginocchio, 5,625,931 to Visser et al., 5,615,457 to Steinkonig, 5,533,696 to Laughlin et al., 5,494,245 to Suzuki et al., 5,423,501 to Yu, 5,414,911 to Adams, 5,230,489 to White et al., 5,123,146 to Olson, 5,079,802 to Blase et al., 5,075,933 to Kemper, 4,958,79 to Nakamura, 4,881,301 to Sweeney et al., 4,688,739 to Moore, 4,674,720 to Fetsch,

Art Unit: 3632


4,663,807 to Bozzo, 4,637,097 to Secord, 4,182,005 to Harrington, 3,571,861 to Olson, and 2,537,519 to Eastman disclose cable tying devices with locking means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Smith whose telephone number is 571-272-8296. The examiner can normally be reached on M-F: 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

TSS

Timothy S. Smith
Patent Examiner
Art Unit 3632
August 22, 2005


RAMÓN O. RAMÍREZ
PRIMARY EXAMINER